

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 71

## **HOUSE BILL 2442**

AN ACT

AMENDING SECTION 8-201.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-512.01; AMENDING SECTION 8-515.05, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-530.01; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-201.01, Arizona Revised Statutes, is amended to  
3 read:

4 8-201.01. Prohibitions

5 A. Notwithstanding any other provision of this chapter or chapter 4,  
6 articles 8, 9, 10, 11, 12, 13 and 14 of this title:

7 1. A child who in good faith is being furnished Christian Science  
8 treatment by a duly accredited practitioner shall not, for that reason alone,  
9 be considered to be an abused, neglected or dependent child.

10 2. A child whose parent, guardian or custodian refuses to put the  
11 child on a psychiatric medication or questions the use of a psychiatric  
12 medication shall not be considered to be an abused, neglected or dependent  
13 child for that reason alone.

14 B. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED, NEGLECTED OR  
15 ABANDONED OR CHARGED WITH ABUSE, NEGLECT OR ABANDONMENT OF A BIOLOGICAL,  
16 FOSTER OR ADOPTIVE CHILD SOLELY FOR SEEKING INPATIENT TREATMENT OR AN  
17 OUT-OF-HOME PLACEMENT IF THE CHILD'S BEHAVIORAL HEALTH NEEDS POSE A RISK TO  
18 THE SAFETY AND WELFARE OF THE FAMILY.

19 C. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED OR NEGLECTED OR  
20 CHARGED WITH ABUSE OR NEGLECT OF A CHILD SOLELY FOR BRINGING INTO THE HOME A  
21 BIOLOGICAL, FOSTER OR ADOPTIVE CHILD WHOSE BEHAVIORAL HEALTH NEEDS POSE A  
22 RISK TO THE SAFETY AND WELFARE OF THE FAMILY.

23 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is  
24 amended by adding section 8-512.01, to read:

25 8-512.01. Behavioral health services; urgent need; dependent  
26 and adopted children; definition

27 A. IF A DEPENDENT CHILD WHO IS IN THE LEGAL CUSTODY OF THE DEPARTMENT  
28 OF CHILD SAFETY IS PLACED IN AN OUT-OF-HOME PLACEMENT, THE OUT-OF-HOME  
29 PLACEMENT SHALL RECEIVE IMMEDIATELY ON PLACEMENT OF THE CHILD FROM THE  
30 DEPARTMENT AN UPDATED COMPLETE PLACEMENT PACKET, CONTACT INFORMATION FOR THE  
31 CHILD'S CASEWORKER, THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
32 DESIGNATED POINT OF CONTACT, THE TELEPHONE NUMBER TO THE ARIZONA HEALTH CARE  
33 COST CONTAINMENT SYSTEM'S CUSTOMER SERVICE LINE, A LIST OF ARIZONA HEALTH  
34 CARE COST CONTAINMENT SYSTEM REGISTERED PROVIDERS AND INFORMATION REGARDING  
35 THE OUT-OF-HOME PLACEMENT'S RIGHTS, IF APPLICABLE, UNDER THIS SECTION.

36 B. IF THE OUT-OF-HOME PLACEMENT OF A DEPENDENT CHILD WHO IS IN THE  
37 LEGAL CUSTODY OF THE DEPARTMENT OF CHILD SAFETY OR THE ADOPTIVE PARENT OF A  
38 CHILD WHO IS ELIGIBLE UNDER TITLE XIX OR XXI OF THE SOCIAL SECURITY ACT  
39 IDENTIFIES AN URGENT NEED FOR THE CHILD TO RECEIVE BEHAVIORAL HEALTH  
40 SERVICES, THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT MAY DIRECTLY CONTACT A  
41 REGIONAL BEHAVIORAL HEALTH AUTHORITY FOR A SCREENING AND EVALUATION OF THE  
42 CHILD. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL DISPATCH AN ASSESSMENT  
43 TEAM WITHIN SEVENTY-TWO HOURS AFTER BEING NOTIFIED THAT THE CHILD HAS ENTERED  
44 CARE IN AN OUT-OF-HOME PLACEMENT OR WITHIN TWO HOURS AFTER BEING NOTIFIED  
45 THAT THE CHILD HAS AN URGENT NEED. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY

1 SHALL PROVIDE AN INITIAL EVALUATION OF THE CHILD WITHIN SEVEN CALENDAR DAYS  
2 AFTER A REFERRAL OR REQUEST FOR SERVICES. IF AFTER THE SCREENING AND  
3 EVALUATION IT IS DETERMINED THAT THE CHILD IS IN NEED OF BEHAVIORAL HEALTH  
4 SERVICES, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL PROVIDE AN INITIAL  
5 BEHAVIORAL HEALTH APPOINTMENT FOR THE CHILD WITHIN TWENTY-ONE CALENDAR DAYS  
6 AFTER THE INITIAL EVALUATION.

7 C. ON COMPLETION OF THE INITIAL EVALUATION, THE OUT-OF-HOME PLACEMENT  
8 OR ADOPTIVE PARENT:

9 1. SHALL CALL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED  
10 POINT OF CONTACT AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
11 CUSTOMER SERVICE LINE IF SERVICES ARE NOT RECEIVED WITHIN TWENTY-ONE DAYS TO  
12 DOCUMENT THE FAILURE TO RECEIVE THE SERVICE.

13 2. MAY ACCESS SERVICES DIRECTLY FROM ANY ARIZONA HEALTH CARE COST  
14 CONTAINMENT SYSTEM REGISTERED PROVIDER REGARDLESS OF WHETHER THE PROVIDER IS  
15 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY. IF THE PROVIDER IS  
16 NOT CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, THE PROVIDER  
17 MUST SUBMIT THE PROVIDER'S CLAIM TO THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
18 AND ACCEPT THE LESSER OF ONE HUNDRED THIRTY PERCENT OF THE ARIZONA HEALTH  
19 CARE COST CONTAINMENT SYSTEM'S NEGOTIATED RATE OR THE PROVIDER'S STANDARD  
20 RATE.

21 D. IF THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT RECOGNIZES THAT THE  
22 CHILD IS IN NEED OF CRISIS SERVICES AND THE CRISIS SERVICES PROVIDER IN THAT  
23 COUNTY IS NOT BEING RESPONSIVE TO THE SITUATION, THE OUT-OF-HOME PLACEMENT OR  
24 ADOPTIVE PARENT MAY CONTACT THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
25 DESIGNATED POINT OF CONTACT TO COORDINATE CRISIS SERVICES FOR THE CHILD.

26 E. IF AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT REQUESTS THE  
27 REGIONAL BEHAVIORAL HEALTH AUTHORITY TO PLACE A FOSTER CHILD OR ADOPTIVE  
28 CHILD IN RESIDENTIAL TREATMENT BECAUSE THE CHILD IS DISPLAYING THREATENING  
29 BEHAVIOR, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL RESPOND TO THE  
30 OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT WITHIN SEVENTY-TWO HOURS AFTER THE  
31 REQUEST WAS MADE. IF THE FOSTER CHILD OR ADOPTIVE CHILD IS HOSPITALIZED DUE  
32 TO THE THREATENING BEHAVIOR BEFORE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
33 RESPONDS, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL REIMBURSE THE  
34 HOSPITAL FOR ALL MEDICALLY NECESSARY CARE, INCLUDING ANY DAYS OF THE HOSPITAL  
35 STAY DURING WHICH THE CHILD DOES NOT MEET CRITERIA FOR AN INPATIENT STAY BUT  
36 IS NOT DISCHARGED BECAUSE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY HAS NOT  
37 AUTHORIZED A SAFE AND APPROPRIATE PLACEMENT FOR THE CHILD OUTSIDE OF THE  
38 HOSPITAL.

39 F. IF A FOSTER CHILD MOVES INTO A DIFFERENT COUNTY BECAUSE OF THE  
40 LOCATION OF THE CHILD'S OUT-OF-HOME PLACEMENT, THE CHILD'S OUT-OF-HOME  
41 PLACEMENT MAY CHOOSE TO HAVE THE CHILD CONTINUE ANY CURRENT TREATMENT IN THE  
42 PREVIOUS COUNTY. THE OUT-OF-HOME PLACEMENT MAY SEEK ANY NEW OR ADDITIONAL  
43 TREATMENT FOR THE CHILD IN THE OUT-OF-HOME PLACEMENT'S COUNTY OF RESIDENCE.

44 G. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
45 SHALL TRACK AND REPORT ANNUALLY THE NUMBER OF TIMES THE REGIONAL BEHAVIORAL

1 HEALTH AUTHORITY COORDINATED CRISIS SERVICES BECAUSE A CRISIS SERVICES  
2 PROVIDER WAS UNRESPONSIVE, THE NUMBER OF TIMES SERVICES WERE NOT PROVIDED  
3 WITHIN THE TWENTY-ONE-DAY TIME FRAME, THE AMOUNT OF SERVICES ACCESSED  
4 DIRECTLY BY AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENTS THAT WERE PROVIDED  
5 BY NONCONTRACTED PROVIDERS, THE LIST OF PROVIDERS THAT WERE FORMERLY  
6 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY BUT THAT TERMINATED  
7 THE CONTRACT AND PROVIDED SERVICES PURSUANT TO THIS SECTION FOR ONE HUNDRED  
8 THIRTY PERCENT OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
9 NEGOTIATED RATE AND THE AMOUNT THE ADMINISTRATION SPENT ON SERVICES PURSUANT  
10 TO THIS SECTION. ON OR BEFORE JULY 1, 2017, THE ADMINISTRATION SHALL  
11 COMPLETE A NETWORK ADEQUACY STUDY FOR BEHAVIORAL HEALTH SERVICE PROVIDERS  
12 THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO CHILDREN ENROLLED IN THE  
13 COMPREHENSIVE MEDICAL AND DENTAL CARE PROGRAM.

14 H. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
15 SHALL ADOPT CORRECTIVE ACTION PLANS, SANCTIONS OR OTHER MEASURES TO ADDRESS  
16 NONCOMPLIANCE BY THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, INCLUDING  
17 COMPLIANCE WITH THE TIMELY PAYMENT REQUIREMENTS PURSUANT TO SECTION 36-2904.

18 I. FOR THE PURPOSES OF THIS SECTION, "OUT-OF-HOME PLACEMENT" MEANS A  
19 FOSTER HOME, KINSHIP FOSTER CARE, A SHELTER CARE PROVIDER, A RECEIVING HOME  
20 OR A GROUP FOSTER HOME.

21 Sec. 3. Section 8-515.05, Arizona Revised Statutes, is amended to  
22 read:

23 8-515.05. Removal of child from foster parent's home;  
24 requirements; notification; review

25 A. Unless a child is removed from a licensed foster parent, excluding  
26 a shelter care provider and receiving foster parent, to protect the child  
27 from harm or risk of harm, to place a child in a permanent placement, to  
28 reunite siblings, to place a child in a kinship foster home, to place a child  
29 in the least restrictive setting, to place a child in a therapeutic setting  
30 or to place a child in accordance with the Indian child welfare act (25  
31 United States Code section 1915), the department shall inform the licensed  
32 foster parent of the department's intent to remove a child and place the  
33 child in another foster care placement. The department shall inform the  
34 licensed foster parent of the specific reason for the child's planned removal  
35 from the licensed foster parent.

36 B. If the licensed foster parent disagrees with the removal, the  
37 licensed foster parent shall notify the department within twenty-four hours  
38 of being informed. If the licensed foster parent disagrees with the plan to  
39 remove the child and place the child in another foster home placement, the  
40 department shall convene a case conference to review the reasons for the  
41 removal. The licensed foster parent and two members of the foster care  
42 review board shall participate in the case conference. A child shall not be  
43 removed unless a majority of the members who participate in the case  
44 conference agree that removal is necessary.

1 C. The department shall inform the licensed foster parent and the  
2 foster care review board of the time, date and location of the case  
3 conference to review the planned removal. The case conference shall be held  
4 within seventy-two hours after the licensed foster parent notifies the  
5 department that the licensed foster parent disagrees with the planned  
6 removal, excluding weekends and holidays. The child shall remain in the  
7 current placement pending the outcome of the case conference.

8 D. If, as a result of the case conference, it is the department's  
9 continued intent to move the child pursuant to subsection A and the licensed  
10 foster parent continues to disagree and the child:

11 1. Is in the court ordered physical custody of the licensed foster  
12 parent, a foster care review board member shall provide a recommendation to  
13 the court regarding the removal of the child before the change of physical  
14 custody. The child shall remain in the current placement pending a court  
15 order for removal.

16 2. Is not in the physical custody of the licensed foster parent, the  
17 licensed foster parent shall be advised of the department's conflict  
18 resolution process. The department shall expedite the conflict resolution  
19 process. The child shall remain in the current placement pending the outcome  
20 of the conflict resolution process.

21 E. THE DEPARTMENT MAY NOT USE AS THE BASIS FOR REMOVING A FOSTER CHILD  
22 FROM A LICENSED FOSTER PARENT THE FOSTER PARENT'S REQUEST TO DISRUPT A FOSTER  
23 CHILD OR THE DISSOLUTION OF AN ADOPTION THAT OCCURRED BASED ON EITHER OF THE  
24 FOLLOWING:

25 1. THE FOSTER OR ADOPTIVE PARENT WAS UNABLE TO RECEIVE SERVICES THAT  
26 THE CHILD WAS STATUTORILY ENTITLED TO RECEIVE.

27 2. THE FOSTER OR ADOPTIVE CHILD THREATENED THE HEALTH OR SAFETY OF THE  
28 FAMILY.

29 Sec. 4. Title 8, chapter 4, article 4, Arizona Revised Statutes, is  
30 amended by adding section 8-530.01, to read:

31 8-530.01. Placement of a child returning to foster care;  
32 notification

33 A. IF A CHILD WHO HAS BEEN IN FOSTER CARE IS RETURNED TO THE CHILD'S  
34 HOME THEN REMOVED AGAIN FROM THE CHILD'S HOME, THE DEPARTMENT SHALL NOTIFY  
35 ALL FOSTER HOMES IN WHICH THE CHILD PREVIOUSLY RESIDED THAT THE CHILD HAS  
36 BEEN REMOVED FROM THE CHILD'S HOME.

37 B. THE DEPARTMENT SHALL PLACE THE CHILD IN A FOSTER HOME IN WHICH THE  
38 CHILD HAS RESIDED, UNLESS THE PLACEMENT IS NOT IN THE BEST INTERESTS OF THE  
39 CHILD OR NONE OF THE PRIOR FOSTER HOMES WANTS THE PLACEMENT. IF THE CHILD  
40 HAS PREVIOUSLY RESIDED IN MORE THAN ONE FOSTER HOME, THE DEPARTMENT SHALL  
41 GIVE PREFERENCE FOR PLACEMENT BASED ON WHICH PLACEMENT IS MOST RECENT.

42 Sec. 5. Emergency

43 This act is an emergency measure that is necessary to preserve the  
44 public peace, health or safety and is operative immediately as provided by  
45 law.

APPROVED BY THE GOVERNOR ~~MARCH 24, 2016~~

FILED IN THE OFFICE OF THE SECRETARY OF STATE ~~MARCH 24, 2016~~.

Passed the House February 25, 2016

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jim M. G...  
Speaker of the House

☐ Pro Tempore

Jim Drake  
Chief Clerk of the House

Passed the Senate March 17, 2016

by the following vote: 30 Ayes,

9 Nays, 0 Not Voting

SB... *with Emergency*  
President of the Senate

Susan Oakes  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2442

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

March 21, 2016,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature] w/ emergency

Speaker of the House

[Signature] Pro Tempore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22nd day of March, 2016

at 10:00 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 24th day of

March, 2016,

at 11:19 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2442

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of March, 2016,

at 2:15 o'clock P M.

[Signature]  
Secretary of State